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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,313	02/28/2002	David Kammer	PALM-3749.US.P	2769

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/086,313	Applicant(s) KAMMER ET AL.	
	Examiner Jude J. Jean-Gilles	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 12, 18-20 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 2-6, 10, 11, 13-17, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Be

DETAILED ACTION

This Action is in regards to the Reply received on 01/20/2006.

Allowable Subject Matter

1. **Claims 2-6, 10, 11, 13-17, 21 and 22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 7-9, 12, 18-20, and 23-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz U.S. Patent No. 6,505,243 B1 in view of Gilkes et al (Gilkes), U.S. Patent No. 6,700,535 B2.

Regarding claim 1, Lortz discloses the invention substantially as claimed. Lortz discloses a method of connecting to a wireless communication access point comprising:

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- a) an initiator device broadcasting a first wireless message to a plurality of potential access point devices, said initiator device storing therein a list of recognized device addresses for connecting thereto (*fig. 1; column 5, lines 1-15*);
- c) said initiator device comparing device addresses of said plurality of second wireless messages for address matches with said list of recognized device addresses (*column 7, lines 76-19*);
- d) applying a fitness function to address matches of said c) to determine a single address (*column 7, lines 76-19; column 3, lines 12-34*); and
- e) connecting to an access point device corresponding to said single address (*column 5, lines 1-31*).

However, Lortz fails to disclose b) in response to said initiator device broadcasting said first message said initiator device receiving a plurality of second wireless messages from a set of said plurality of potential access point devices.

In the same field of endeavor, Gilkes discloses "..The process is initiated when the mobile device 51 broadcasts at 52 a digitally signed "Where Is" message that includes the unique identifier of the mobile device 5B. The message at 52 can be relayed through the Bluetooth network to device 5B, for example via the transceivers of one or more of the location markers 1B-4B, as shown at 42 and 44. This "Where Is" message relaying is also illustrated in FIG. 2, where the "Where Is" message can be recognized by the message processing section 22 and relayed accordingly...When the mobile device 5B receives the relayed message and recognizes that the message includes its unique identifier, the mobile device 5B first examines the digital signature to determine whether the originator of the "Where Is" message (mobile device 51) is authorized to know the location of mobile device 5B. If the

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mobile device 51 is authorized to know the location of the mobile device 5B, then the mobile device 5B begins transmitting the aforementioned "Locate Me" messages, and the location estimation can thereafter proceed..[see Gilkes; column 7, lines 35-60].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Gilkes's teachings of using response broadcast message to the initiator device, with the teachings of Lortz, for the purpose of "*...providing the capability of identifying the geographic location of a wireless mobile communication device...*" as stated by Gilkes in lines 17-20 of column 2. By this rationale **claim 1** is rejected.

Regarding claim 7, The combination Lortz-Gilkes discloses the method as recited in Claim 1 wherein said initiator device and said responding device are Bluetooth-enabled devices [see Gilkes; column 4, lines 7-33].

Regarding claim 8, the combination Lortz-Gilkes discloses the wireless communication access point of claim 1, but does not specifically discloses a method wherein said access point device is coupled to a network comprising a network server [see Lortz; column 3, lines 23-45].

Regarding claim 9, the combination Lortz-Gilkes discloses the method of Claim 8 wherein a list of all current network access point addresses is maintained on said network server[see Lortz; column 3, lines 23-45].

Regarding claim 12, The combination Lortz-Gilkes discloses a wireless communication device comprising:

- a bus (see Lortz; *fig. 1, item 104*);
- a wireless transceiver unit coupled to said bus for communicating with responding devices (see Gilkes; *column 4, lines 7-50*);
- a memory cache coupled to said bus (see Lortz; *fig. 1, memory of device 2 and 3*); and
- a processor coupled to said bus, said processor for performing a method for selecting and connecting to a responding access point device (see Lortz; *fig. 1, memory of device 2 and 3*), said method comprising:
 - a) an initiator device broadcasting a first wireless message to a plurality of potential access point devices, said initiator device storing therein a list of recognized device addresses for connecting thereto (see Lortz; *fig. 1; column 5, lines 1-15*);
 - b) said initiator device receiving a plurality of second wireless messages from a set of said plurality of potential access point devices [see Gilkes; *column 7, lines 35-60*].;
 - c) said initiator device comparing device addresses of said plurality of second wireless messages for address matches with said list of recognized device addresses (see Lortz; *column 7, lines 76-19*);
 - d) applying a fitness function to address matches of said c) to determine a single address (see Lortz; *column 7, lines 76-19; column 3, lines 12-34*); and
 - e) connecting to an access point device corresponding to said single address (see Lortz; *column 5, lines 1-31*).

Regarding claim 18, Lortz-Gilkes discloses the method as recited in Claim 12 wherein said initiator device and said responding device are Bluetooth-enabled devices [see Gilkes; column 4, lines 7-33].

Regarding claim 19, the combination Lortz-Gilkes discloses the method as recited in Claim 12 wherein said access point device is coupled to a network comprising a network server [see Lortz; column 3, lines 23-45].

Regarding claim 20, the combination Lortz-Gilkes discloses the method of Claim 19 wherein a list of all current network access point addresses is maintained on said network server [see Lortz; column 3, lines 23-45].

Regarding claim 23, the combination Lortz-Gilkes discloses in a wireless communication device having a wireless transceiver and a memory cache comprising a list of access point addresses, a method for updating said list of access point addresses comprising:

- a) connecting said wireless communication device with a network server, said network server comprising a list of current network access point addresses for a network [see Lortz; column 3, lines 23-45];
- b) comparing said list of access point addresses to said list of current network access point addresses [see Lortz; column 3, lines 23-45];
- c) adding to said list of access point addresses in said memory cache of said wireless communication device any addresses found on said list of current network access point addresses and not found on said list of access point addresses [see Lortz; fig. 1; column 2, lines 1-64]; and

d) deleting from said list of access point addresses in said memory cache of said wireless communication device any addresses not found on said list of current network access point addresses and found on said list of access point addresses [see *Gilkes; column 4, lines 1-58*].

Regarding claim 24, the combination Lortz-Gilkes discloses the method as recited in Claim 23 wherein said wireless communication device is a Bluetooth-enabled device [see *Gilkes; column 4, lines 7-33*].

Regarding claim 25, the combination Lortz-Gilkes discloses the method as recited in Claim 23 wherein connecting said wireless communication device with a network server comprises connecting through an access point [see *Lortz; column 3, lines 23-45*].

Regarding claim 26, the combination Lortz-Gilkes discloses the method as recited in Claim 23 wherein said access point is a Bluetooth enabled device access point [see *Gilkes; column 4, lines 7-33*].

Regarding claim 27, the combination Lortz-Gilkes discloses the method as recited in Claim 23 wherein said wireless communication device is a portable computer system [see *Gilkes; fig. 1, item 5*].

Conclusion

4. This Office Action is Non-Final. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose

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telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

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JJG 

February 02, 2006


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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